

REMARKS

A. 35 U.S.C. § 112

The Office Action mailed March 23, 2004 rejected claim 5 under 35 U.S.C. 112, first paragraph. Claim 5 has been cancelled without prejudice. Thus, this rejection is moot.

B. 35 U.S.C. § 102

The Office Action has rejected claims 1-3, 5-8, 13-16 under 35 U.S.C. § 102(e) as being anticipated by Hole et al (US 2002/0138051: 9/26/02) and Stenzler (US 6432077). Applicant respectfully traverses this rejection. Regarding claims 1-3 and 5-8, Applicants submit that the rejection is now moot as applied to these claims because they have been cancelled without prejudice.

Regarding claim 13, Applicants submit that neither Hole et al nor Stenzler discusses the “administering exogenous nitric oxide to tissue flap and surrounding damaged area in order to promote flap viability and increase local blood flow to donated tissue.” The Office Action also does not indicate how this element is supposedly found in these two references. Thus, Applicants submit that this claim was improperly rejected and should, instead, be patentable over the art of record. Applicants note that this claim is also amended to recite an independent claim because of the cancellation of the original base claim 1.

Regarding claim 14, Applicants submit that neither Hole et al nor Stenzler discusses the “spraying, from a spray container, the damaged tissue with an effective amount of gaseous nitric oxide; and allowing the gaseous nitric oxide to contact the air adjacent to the damaged tissue.” The Office Action also does not indicate how these elements are supposedly found in these two references. Thus, Applicants submit that this claim was improperly rejected and should, instead, be patentable over the art of record.

Regarding amended claim 15, Applicants submit that neither Hole et al nor Stenzler discusses “pretreating the damaged tissue with a wound healing agent other than gaseous nitric oxide.” Applicants note that this element was originally recited in claim 8 (now cancelled), but the Office Action does not indicate how this element is supposedly found in these two references. Thus, Applicants submit that claim 15 is patentable over the art of record.

Regarding claim 16, Applicants submit that neither Hole et al nor Stenzler discusses “exposing the damaged tissue, which is surrounded by an air impermeable wound cover, to an effective amount of gaseous nitric oxide and other gases which contain oxygen for a period of time.” The Office Action also does not indicate how these elements are supposedly found in these two references. Thus, Applicants submit that this claim was improperly rejected and should, instead, be patentable over the art of record.

Likewise, newly added claims 23-26, depending on claim 16, should also be patentable. Support for claim 23 is found on page 7, lines 15 and in original claim 2 (now cancelled). Support for claim 24 is found in original claim 3 (now cancelled). Support for claims 25 and 26 is found, for example, on page 5, ll. 14 and Figures 8-13.

C. 35 U.S.C. § 112, ¶ 2

The Office Action rejected claim 4 under 35 U.S.C. § 112¶ 2 as being indefinite. Applicants traverse this rejection, but submit that for the purpose of advancing prosecution to issuance, this claim has been cancelled without prejudice.

D. Claims 9-12

The Office Action objected to claims 9-12 as being dependent upon rejected base claim, but stated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have followed the Office Action’s

suggestion and rewritten these claims as independent claims including all of the limitations of the base claim. Thus, Applicants submit that they are now in condition for allowance.

Likewise, Applicants submit that claims 17-22, which depend on claim 9 are also patentable. Support for claim 17 is inherently disclosed with the use of an air impermeable wound cover. Support for claim 18 is found in cancelled claim 6. Support for claims 21-22 are found on page 13, lines 8-32 of the specification.

CONCLUSION

For the foregoing reasons, Applicant believes that the pending claims of this application are patentable and respectfully requests the issuance of a Notice of Allowance. If the undersigned can be of any assistance to the Patent Office, a telephone call is respectfully requested.

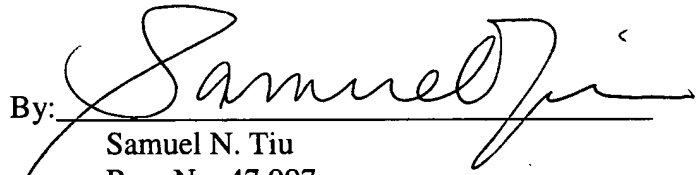
Respectfully Submitted

SIDLEY AUSTIN BROWN AND WOOD, LLP

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